

D R A F T

MINUTES

State Board of Education Meeting

Date

Wednesday, March 12, 2008

Time

9:00 a.m. Executive Session

**10:30 a.m. (Approximately) State Board Regular Meeting
(Regular Meeting Immediately Following Executive Session)**

Location

**Rutledge Conference Center
1429 Senate Street
Columbia, SC**

Al Simpson, Chair

Kristin Maguire, Chair-Elect

Jim Rex, PhD

State Superintendent of Education

Secretary and Administrative Officer to the Board

I. EDUCATOR CERTIFICATION CASES

The following State Board of Education members were in attendance for the Educator Certification Cases: Al Simpson, Chair, Sixth Judicial Circuit; Kristin Maguire, Chair-Elect, Governor's Appointee; Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Diane Sumpter, Fifth Judicial Circuit (arrived at 10:00 a.m.); Libby Swad, Seventh Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Rick Adkins, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Phillip Bowers, Thirteenth Judicial Circuit; Ben Mitchell, Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit (arrived at 9:16 a.m.); and Dr. Britt Blackwell, Sixteenth Judicial Circuit.

Absent with apologies were Tim Moore, Esquire, Second Judicial Circuit, and Fred F. DuBard, III, Twelfth Judicial Circuit.

South Carolina Department of Education (SCDE) staff in attendance were Jim Rex, PhD, State Superintendent of Education (arrived at 9:30 a.m.); Carol Collins, Minute Taker; Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership; Jack Singletary, Education Associate, Office of Educator Certification; Wendy Cartledge, Esquire, Deputy General Counsel, Office of General Counsel; Shelly Kelly, Esquire, Deputy General Counsel, Office of General Counsel; Paul Bozard, Paralegal, Office of General Counsel;

Janice Poda, PhD, Deputy Superintendent for Administration; and Jim Turner, Director, Office of Educator Certification.

Chair Al Simpson brought the State Board of Education meeting to order at 9:05 a.m. He asked for a motion for the Board to go into Executive Session. Charles McKinney moved that the Board go into Executive Session. Ben Mitchell seconded the motion. The motion carried.

Chair Simpson declared the Board back in Open Session.

Open Session

1. Kristin Maguire moved that the State Board issue a public reprimand to Perry L. Berenson, certificate 213055, and approve the Consent Order of Public Reprimand on the grounds of unprofessional conduct. Charles McKinney seconded the motion. The motion carried.
2. Kristin Maguire moved that the State Board summarily suspend the certificate of Ebenezer Jally, certificate 231130, and adopt an Order of Summary Suspension on the grounds of unprofessional conduct. Charles McKinney seconded the motion. The motion carried with Hampton Hubbard abstaining.
3. Kristin Maguire moved that the State Board permanently revoke the certificate of Allenna J. Ward, certificate 225732, and approve the Amended Order of Permanent Revocation on the grounds of unprofessional conduct. Rick Adkins seconded the motion. The motion carried.

Chair Simpson declared the Board back in Executive Session.

Open Session

4. Kristin Maguire moved that the State Board reinstate the certificate of Dawn M. Wheeler, certificate 215961, on the grounds of unprofessional conduct. Rick Adkins seconded the motion. The motion carried, with one opposing vote by Cindy Clark and Amelia Herlong abstaining.

Chair Simpson declared the Board back in Executive Session.

Open Session

5. Kristin Maguire moved that the State Board deny a certificate to Marcia Denis Ragin on the grounds of unprofessional conduct. Cindy Clark seconded the motion. The motion carried, with one opposing vote by Ben Mitchell.

Break

II. WELCOME

Chair Simpson called the meeting to order at 10:30 a.m. and welcomed everyone to the meeting.

The following State Board of Education members were in attendance for the meeting: Al Simpson, Chair, Sixth Judicial Circuit; Kristin Maguire, Chair-Elect, Governor's Appointee; Patsy Pye, First Judicial Circuit; Bonnie Disney, Third Judicial Circuit; Hampton Hubbard, Fourth Judicial Circuit; Diane Sumpter, Fifth Judicial Circuit; Libby Swad, Seventh Judicial Circuit; Charles McKinney, Eighth Judicial Circuit; Cindy Clark, Ninth Judicial Circuit; Rick Adkins, Tenth Judicial Circuit; Amelia Herlong, Eleventh Judicial Circuit; Trip DuBard, Twelfth Judicial Circuit (arrived at 11:04 a.m.); Phillip Bowers, Thirteenth Judicial Circuit; Ben Mitchell, Fourteenth Judicial Circuit; Gerrita Postlewait, Fifteenth Judicial Circuit; and Britt Blackwell, Sixteenth Judicial Circuit.

Absent with apologies was Tim Moore, Esquire, Second Judicial Circuit.

The following SCDE(SCDE) staff were in attendance: Jim Rex, PhD, State Superintendent of Education; Carol Collins, Minute Taker; Mark Bounds, Deputy Superintendent, Division of Educator Quality and Leadership; Wendy Cartledge, Esquire, Deputy General Counsel, Office of General Counsel; Shelly Kelly, Esquire, Deputy General Counsel, Office of General Counsel; Janice Poda, PhD, Deputy Superintendent for Administration; Valerie Harrison, EdD, Deputy Superintendent, Division of Standards and Learning; Teri Siskind, PhD, Deputy Superintendent, Division of Accountability; Cleo Richardson, EdD, Deputy Superintendent, Division of Educational Services; Elizabeth Carpentier, Deputy Superintendent, Division of Innovation and Support; John Cooley, Deputy Superintendent, Division of Finance and Operations; and Jim Turner, Director, Office of Educator Certification.

III. COLOR GUARD/PLEDGE OF ALLEGIANCE

Chair Simpson recognized the Swansea High School Army JROTC Color Guard from Lexington School District Four. The ROTC was led by MSG John Roberts. Chair Simpson led everyone in the Pledge of Allegiance.

IV. APPROVAL OF STATE BOARD OF EDUCATION MINUTES FOR FEBRUARY 13, 2008

Kristin Maguire moved that the State Board approve the minutes for February 13, 2008. Amelia Herlong seconded the motion. The motion carried.

V. APPROVAL OF STATE BOARD OF EDUCATION AGENDA FOR MARCH 12, 2008

Charles McKinney moved that the State Board of Education approve the agenda for the March 12, 2008, meeting as presented. Amelia Herlong seconded the motion. The motion carried.

VI. RECOGNITION OF VISITORS, INCLUDING NEWS MEDIA

Chair Simpson asked all visitors present to stand and be recognized. There were no news media present. Chair Simpson welcomed the delegation of teachers and administrators from Germany. He asked Dr. Bob Couch to give an overview of the delegation's visit.

Chair Simpson turned the meeting over to Dr. Jim Rex, State Superintendent, for his report and recognitions.

VII. STATE SUPERINTENDENT OF EDUCATION REPORT AND RECOGNITIONS

Dr. Rex asked Board member Cindy Clark to stand with him and recognize Charleston County's Academic Magnet High School for being named a member of the Top 100 Gold Schools in the nation. Dr. Rex stated that last fall, *U.S. News and World Report* magazine issued its first ranking of America's Best High Schools. Schools were judged on how well students score on state reading and math tests, as well as participation and achievement in challenging Advanced Placement courses. Extra scrutiny was given to the schools of disadvantaged students. In a comparison of 18,000 public high schools in 40 states, 14 South Carolina high schools earned bronze and silver category medals.

Dr. Rex asked Dr. Carol Temple, Principal of Charleston County's Academic Magnet High School, to come forward and accept the award.

Dr. Rex acknowledged his visit earlier in the morning with the delegation of teachers and administrators from Germany.

Dr. Rex addressed several issues that were being discussed during the legislative session. He stated that progress has been made in the House regarding the Education Accountability Act (EAA). He informed Board members that the PACT would be replaced no later than 2010, hopefully in 2009.

The new test would provide teachers more in-depth "strand" information and provide information to them in a much timelier manner. He then stated that changes to the EAA had been approved in the House, and he predicted the changes would be enthusiastically supported in the Senate.

Dr. Rex then stated that a five-year cyclical review had been added to the accountability program in South Carolina. He explained that the NCLB would be undergoing major revisions in the next few years, and when this happens these revisions will have major implications for state accountability programs.

He stressed that the Senate needs to take another look at the labels being used in South Carolina to describe our schools and school districts, especially the label of "unsatisfactory." However, some people feel that changing "unsatisfactory" to "priority" is deluding parents or softening the facts. Priority schools are the schools that need the full attention of the school district, the SCDE, the state, and the community. The Palmetto Priority Schools have been able to attract some great partners and private money (\$3 million gift from South Carolina Student Loan), and this would have been difficult if we had asked them to help with the Palmetto "Unsatisfactory" Schools.

The budget is extremely tight this year. Education has, so far, been treated more than fairly by our legislators. The Education Finance Act remains fully funded and the base student cost has gone up about \$100. The commitment for the bus replacement cycle that started last year was renewed in the House. Teacher salaries will remain at \$300 above the southeastern average.

One of the challenges of this budget is that the technical assistance funding, for helping schools that have been labeled as "below average" and "unsatisfactory," remains the same as the current fiscal year. There are new schools that qualify for technical assistance funds that will have to be served as well as those schools that have already been designated "below average" or "unsatisfactory," and no new funds have been allocated. This funding shortage creates a challenge for the SCDE and the schools and districts. At the state level, the awards for each school will be "ratcheted" down, based upon a formula. Approximately \$5 million will be sequestered in a special account that challenged schools can use to apply for additional funding. One emphasis for allocating the funding will be for schools that implement teams, or for schools to implement an innovative approach that involves some form of teaming at the school level.

The other thing Dr. Rex mentioned was the hope of having universal four-year-old kindergarten for at-risk children codified. He stated the need for a statute to put these programs in place as funding allows, hopefully within the next year or two.

Public school choice is still an issue and has a lot of bipartisan support both in the House and Senate.

Lastly, there are still serious problems with the present funding system for our public schools. Last year there were funding task forces established to look at how South Carolina can create a 21st Century approach to raising revenues for our state's priorities and to allocate those resources in a more adequate and equitable way to the public schools. There is an urgency in doing this, partly because of the economic downturn. The property tax reform statute, Act 388, is causing a lot of unforeseen consequences in terms of funding.

The funding system is badly broken and the economic downturn, along with Act 388, is making it very obvious that there is going to be significant funding problems as early as next year for our public school system, as well as other needed public services to provide for our state.

VII. PUBLIC COMMENT PERIOD

Chair Simpson recognized eight people for public comment. The Chair asked the Board to change the time allotted for speakers to allow them each five minutes to speak.

Four of the speakers spoke in support of the English/language arts (ELA) standards. They were

- Kathy Chapman, District Three Curriculum Coach, Chesterfield County
- Patti Hunnicutt, educator and parent
- Sandy Jordan, teacher, Lexington School District One
- Nancy Lynn, teacher

Four parents spoke on behalf of special needs children:

- Janet Fraser
- Ed Manley
- Linda Hogge
- Jeff Hogge

State Board member Tim Moore, Second Judicial Circuit, joined the Board meeting by telephone.

VIII. SECOND READING

South Carolina Five Year Plan, July 1, 2008, through June 30, 2013, for the Carl D. Perkins Career and Technical Education Act of 2006 (State Plan) (Second Reading)

James Couch, EdD, Director, Office of Career and Technology Education, Division of Standards and Learning, presented a video and discussed the item for second reading. Dr. Couch stated that the SCDE needs to obtain SBE approval of the State Plan and submit the State Plan to the U.S. Department of Education (USED) by April 1, 2008, to receive federal funds. The five-year plan builds on and extends the South Carolina Transition Plan, July 1, 2007–June 30, 2008, approved by the SBE on May 9, 2007, and approved by the USED in July 2007.

Dr. Couch stated that the SCDE recommends approval of the South Carolina Five-Year Plan, July 1, 2008–June 30, 2013, for the Carl D. Perkins Career and Technical Education Act of 2006, and authority for the SCDE to negotiate and make changes required by the USED for plan approval and the annual allotment of the federal funds.

Amelia Herlong moved that the SBE approve the South Carolina Five Year Plan, July 1, 2008, through June 30, 2013, for the Carl D. Perkins Career and Technical Education Act of 2006 (State Plan) for second reading. Ben Mitchell seconded the motion.

Chair Simpson asked if there were any questions. Diane Sumpter asked how the program was being advertised to all of the schools and districts and how the school teams would be selected to participate. She then asked “does the SCDE provide any technical or other kind of assistance to those schools that are more challenged.” Dr. Couch responded that it is advertised across the state. Meetings are held inviting schools and then a mail out is sent to all schools. Technical assistance is also provided, along with training and professional development for counselors, at the Business Education Summit held annually in the summer. Funding is provided to schools that need it, and we are anticipating adding another fifty teams this year.

There being no further questions, the Chair called for the question. The motion carried.

Chair Simpson turned the meeting over to Patsy Pye.

IX. STATE BOARD COMMITTEE ITEMS

EP. EDUCATION PROFESSIONS

01. Committee Report—Patsy Pye, Chair

Chair Pye presented the report from the Education Professions Committee, which met on February 26, 2008, at 3700 Forest Drive, Columbia. There was one item for first-reading approval, the PACE Guidelines. Chair Pye also called on Jim Turner, Director, Office of Educator Certification, to discuss an information item on the status of the American Board for Certification of Teacher Excellence (ABCTE).

Mrs. Pye then turned the meeting over to Dr. Falicia Harvey to discuss the changes to the PACE Guidelines.

02. Revisions to the Program of Alternative Certification for Educators (PACE) Guidelines (First Reading)

Falicia Harvey, PhD, Education Associate, Office of Educator Certification, Division of Educator Quality and Leadership, presented the item. Dr. Harvey stated that the Division of Educator Quality and Leadership is submitting these proposed changes suggested by the PACE Advisory Committee following review of the current program implementation.

In 1984, S.C. Code Ann. § 59-26-30(A)(8) enabled the SBE to establish the Critical Need Certification Program as part of the Education Improvement Act. The SBE revised program guidelines in March 2001 and changed the name to the Program of Alternative Certification for Educators (PACE). PACE trains qualified candidates in content areas with an approved major equivalency to become fully certified and highly qualified teachers in South Carolina. The guidelines have been revised periodically since 1985 to accommodate federal regulations and implement proposed changes of the PACE Advisory Committee.

The SCDE recommends that the SBE approve the revised PACE Guidelines.

Chair Pye informed the Board members that the Education Professions Committee approved the first reading of the PACE Guidelines.

Chair Pye asked if there was any discussion of the Guidelines from the Board members. Trip DuBard expressed concern about having to have a college degree in your major in order to teach in South Carolina schools. He felt that this was counterproductive.

Mark Bounds responded that this issue has been looked at in great detail, and because we have this rigorous PACE system, South Carolina is recognized as having one of the best teacher certification programs in the country.

Dr. Rex stated that we were in the early stages of developing proposals to present to the legislature next year that will focus on what it takes to have a 21st Century teacher workforce.

There being no further questions, Board Chair Simpson called for the vote. No second was required since the item came from committee. The motion carried.

Board Chair Simpson turned the meeting back over to Chair Pye for an update of the ABCTE Program.

Mr. Turner explained that the General Assembly passed the American Board for Certification of Teacher Excellence Act in 2007. He stated that the law allows school districts in South Carolina to employ individuals who receive a Passport to Teaching certificate issued by the ABCTE. The law specifies that individuals who qualify must have earned at least a bachelor's degree from a regionally accredited college or university or from an institution with a teacher education program that has been approved by the SBE. The law also states that the ABCTE certificates that we recognize are in the secondary content fields of biology, chemistry, English, mathematics, physics, and science. Upon application for a certificate in our state, verification of an all-clear FBI fingerprint review, and verification of employment in a South Carolina school district, the Office of Educator Certification issues a one-year alternate-route certificate to the qualified applicant. The initial alternate-route certificate may be renewed annually for two additional years, and the professional certificate is issued when the individual has completed the employing district's induction program, the ADEPT formal

evaluation requirements, and has presented a passing score on the Principles of Learning and Teaching (PLT) exam in the PRAXIS series. We have been advised by ABCTE officials that eight applicants from South Carolina have been issued a Passport to Teaching certificate thus far, and a total of 205 individuals from South Carolina are reported as enrolled and working toward American Board certification at this time.

Mr. Turner stated that this report would be presented to the General Assembly as required by the statute.

Board Chair Simpson asked if there were any questions from the Board.

Mrs. Maguire asked if there had been interest by district personnel in recognizing other ABCTE certificates and was that being considered. Mr. Turner stated that the issue had been discussed with the House and Senate Education Committees when the bill was up for debate last spring, and it was decided not to go forward with recognizing special education certificates and elementary certificates from ABCTE. Revisions in the law are not currently being considered, and only the secondary teaching fields will be recognized at this time.

SL&A. STANDARDS, LEARNING, AND ACCOUNTABILITY

01. Committee Report—Libby Swad, Chair

Chair Swad stated that the recommendations for appointment to the 2008 Instructional Materials Review Panels was approved by the Committee and is being brought before the Board for approval.

FOR APPROVAL

02. Recommendations for Appointments to the 2008 Instructional Materials Review Panels

Kriss Stewart, Program Coordinator, Office of Instructional Promising Practices, Division of Standards and Learning, was in attendance to present this item.

Mrs. Maguire moved to delay adoption of the Instructional Materials Review Panels until next month's meeting to allow all Board members an opportunity to review the materials and submit their recommendations. The

deadline for all recommendations for appointments was extended to Wednesday, March 19, 2008. Dr. Blackwell seconded the motion. The motion carried.

Chair Swad turned the meeting over to Dr. Valerie Harrison to give the report on the English language arts (ELA) standards revisions.

03. Report on the English Language Arts (ELA) Standards Revisions

Dr. Valerie Harrison, Deputy Superintendent, Division of Standards and Learning, provided a PowerPoint that gave an overview of the standards revisions. Dr. Harrison stated that the SBE requested that the ELA standards, which were presented last spring for approval, be revised to address concerns raised by the SBE. The SCDE collected feedback from various focus groups and conducted an online survey. A writing team was assembled that revised the standards, taking into account the feedback received.

The revisions must be agreed upon by the SCDE and the Accountability Division of the Education Oversight Committee.

The key revisions to the standards were clarifying boxes, instructional appendices, glossaries, and a definition of terms.

The SCDE requests that the SBE approve the revised ELA standards for first reading.

Chair Swad made a motion from the Committee to approve the ELA standards. Board Chair Simpson asked if there were any questions.

Cindy Clark thanked all of the participants who worked on the document. She stated that it was a great collaboration of many people from all over the state.

Ms. Clark moved to amend the ELA standards to delete all of the appendices that were presented at the Committee meeting and to accept all of the appendices as posted on the SCDE Web site. The new appendices include high frequency words, Greek and Latin roots and affixes, a writing composite matrix, suggested reading lists, a glossary, and alignment of indicator concepts within the

standards. The motion to amend included a provision to allow the SCDE staff to edit and to make corrections throughout the documents. Kristin Maguire seconded the motion.

Gerrita Postlewait and Diane Sumpter asked for clarification on why the motion to amend was being made.

Mrs. Maguire stated that the documents were revised as a result of the committee meeting, and the motion was being made to substitute the documents that have been revised. Mrs. Maguire also stated that all the recommendations requested by the SBE were included in the revised documents.

Trip DuBard asked if all necessary individuals were in support of the documents as amended. Dr. Harrison stated that the SCDE was in support of the document, as well as the writing team.

There being no further discussion, the Board Chair called for the vote on the motion to amend Mrs. Swad's motion to approve the standards. The motion carried.

The Board Chair stated that the Board was back to the original approval of the ELA standards.

Dr. Postlewait stated that her question did not necessarily pertain to the document being presented. She needed clarification on two issues that may be better addressed at the June State Board retreat. The first question concerns alignment: how are the language arts standards developed from preschool through high school to give us the assurance that when the work is finished, we will have identified those skills, knowledge, and capabilities that students need in order to perform well on the SAT, particularly the new section of the SAT. The other question deals with articulation: how can we make sure that once the standards are approved, that teachers across the state are provided the professional development they need for them to be able to teach to the standards. Dr. Postlewait stated she would like for the Board to ensure that there is a systemic process to support the successful implementation of these standards at the classroom level so that all students begin performing at higher levels of proficiency in literacy.

Dr. Rex stated that he felt the June retreat would be a good time to deal with these issues, but some of this information is already known. The implementation of the standards will be supported by the state in terms of resources, and the SCDE will inform teachers and schools regarding performance on the standards. Dr. Rex expressed his gratitude to the writing team; their efforts took additional time and additional expense to complete this cycle of review, and obviously we have come up with much stronger standards. Rex indicated the need to look at what our professional development programs are going to do in relation to preparing teachers to teach the standards, and that should include preservice preparation of teachers.

Dr. Harrison added that a part of what is being done in the Division of Standards and Learning by the Office of Academic Standards and the Office of Instructional Promising Practices is to offer Standard Support Institutes for teachers in regions throughout the state. These institutes are currently optional but every effort is made to encourage districts to participate.

Dr. Postlewait expressed concern about the amount of money being spent in the state on textbooks, instructional materials, and supplies, and to what extent these instructional materials are helping teachers effectively teach the curriculum.

Board Chair Simpson stated that Dr. Postlewait's request would be put on the agenda for the June State Board retreat.

Mrs. Maguire requested that the SCDE staff revise the document to add the names of the writing team members who were added during the second round of revisions to the standards .

The Board Chair stated that there being no objections, the additional members of the writing team would be added to the standards document.

The Committee requested the Board approve the English language arts standards as amended. There being no objection, the chair called for the question. The motion carried.

Board Chair Simpson turned the meeting over to Rick Adkins.

F&O. FINANCE AND OPERATIONS

01. Committee Report—Rick Adkins, Chair

Chair Adkins stated that the Finance and Operations Committee met after the February State Board meeting. There were two matters brought before the Committee that were approved.

Chair Adkins stated that Alex James was not present; therefore, he would present the first item for approval.

FOR APPROVAL

02. Request for Approval of Property Disposal—Marion School District Seven

Chair Adkins stated that Marion School District Seven is requesting approval from the SBE for the disposal of property by selling Pleasant Grove School (procured in 1954) and Britton's Neck School (procured in 1930). The Pleasant Grove School (6.0 acres) is located at 2644 Lenzie Legette Road, Mullins, SC, and the Britton's Neck School (8.0 acres) is located at 6882 Highway 908, Gresham, SC. The School Board of Trustees declares that the sale of the two properties will not have a discernible negative impact upon any other district school facility or site, and the proceeds from the sale of the two named properties shall go to the district's capital budget for subsequent use.

The SCDE recommends approval by the SBE of the request by Marion School District Seven to dispose of the Pleasant Grove School (6 acres) and the Britton's Neck School (8 acres) in Marion County.

The Finance and Operations Committee recommends approval of Marion School District Seven's request for disposal of property.

Board Chair Simpson asked if there was any discussion on the matter. There being none, the Chair called for the question. The motion carried.

**03. Request for Approval of Property Disposal—
McCormick County School District**

Chair Adkins presented the item requesting approval from the SBE for the McCormick County School District Board of Trustees to sell the property (24 ± acres) located at 801 Caroline Street where the old McCormick Middle School once stood. The School District Board of Trustees declares that the sale of this property will not have a discernible negative impact upon any other district school facility or site, and the proceeds from the sale of the property shall go to the district's capital budget for subsequent use.

The Finance and Operations Committee requests that the SBE approve the request for approval of property disposal for McCormick County School District.

The Board Chair called for the question. The motion carried.

Committee Chair Adkins stated that the Finance and Operations Committee would be meeting after the SBE meeting adjourned.

Board Chair Simpson turned the meeting over to Kristin Maguire.

I&E.

INNOVATION AND EDUCATIONAL SERVICES

01. Committee Report—Kristin Maguire, Chair

Mrs. Maguire stated that the Innovation and Educational Services Committee met on Tuesday afternoon. The committee discussed the charter school regulations, which will require some revisions if proposed changes to the statute are made. A survey will be sent to successful and unsuccessful charter school applicants and to school districts asking for insight on how to improve the regulations and guidelines. The Committee also discussed facility waivers for charter schools since the new State Board Rule of Governance allows charter schools to come directly to the Board. The Committee also spent time working on ways to increase the number of South Carolina diplomas awarded by using either traditional or non-traditional methods. The Committee also looked at options for awarding the monies left over from innovation

grants and looked at a system for implementing the innovation grants program in the future.

Chair Maguire introduced Jonathan Monroe a representative from SCASA, who attended the Committee meeting. Mr. Monroe presented input from the administrators' viewpoint.

Chair Maguire stated that the next Innovation and Educational Services Committee meeting would be held on Tuesday, April 8, at 1:30 p.m. She invited everyone, especially other Board members, to attend.

Chair Maguire stated that Charleston County School District made a presentation on ARAS to the Committee. It is a system that uses eight indicators to determine which students are at a much higher risk of dropping out of school.

P&L.

POLICY and LEGISLATIVE

01. Committee Report—Al Simpson, Chair

FOR APPROVAL

02. School Building Act Waiver Requests (First Reading)

Shelly Kelly, Esquire, Deputy General Counsel, Office of General Counsel, presented the item. Ms. Kelly stated that a rule to be included in the State Board of Education Rules of Governance is up for adoption that will set forth the requirements school districts must follow when submitting Education Improvement Act (EIA) building funds waiver requests.

The Policy and Legislative Committee recommends that the SBE approve the request.

Trip DuBard addressed his concern regarding the item. Mr. DuBard made a motion to strike section 3, which requests a letter from the county delegation stating whether or not they approve of the waiver.

Rick Adkins, Charles McKinney, Phillip Bowers, Dr. Britt Blackwell, and Cindy Clark spoke in favor of the original motion.

Diane Sumpter seconded Mr. DuBard's motion but also asked that we respect the elected body.

Trip DuBard again spoke in favor of the motion to strike section 3.

There being no further discussion, the Chair called for the vote on the motion by Mr. DuBard, seconded by Ms. Sumpter, to strike section 3 requesting a letter from the county delegation stating whether or not they approve of the waiver. The motion failed.

Chair Simpson called for the vote on the School Building Act Waiver Requests. The motion carried with one opposing vote by Diane Sumpter.

03. Request for Interpretation of 24 S.C. Code Regs. R 43-244 (1980), Interscholastic Activities

Shelly Kelly, Esquire, Deputy General Counsel, Office of General Counsel, presented the item. Ms. Kelly stated that this item is a request for interpretation of 24 S.C. Code Regs. 43-244 (1980), Interscholastic Activities.

Pursuant to S.C. Code Ann. § 1-23-150 (2005), Roland J. Keur, Jr. is requesting clarification of State Board Regulation 43-244. Section 1-23-150 (2005)(a) states: "Any person may petition an agency in writing for a declaratory ruling as to the applicability of any regulation of the agency or the authority of the agency to promulgate a particular regulation. The agency shall, within thirty days after receipt of such petition, issue a declaratory ruling thereon."

Regulation 43-244 states, in its entirety, "Interscholastic Activities Kindergarten; Grades 1-6: Each school shall prohibit competitive sports of a varsity pattern with scheduled league games and championships for Grades 1-6."

The question is whether this regulation prohibits a student in the sixth grade from participating on a junior varsity or middle school "B" team. The position offered is that the regulation prohibits those grade levels, which were traditionally considered elementary schools, from having competitive teams, but it does not address individual player eligibility. This interpretation would be a new interpretation of this regulation.

The High School League's longstanding interpretation of the regulation is that sixth-grade students are not eligible to play in league-sponsored sports. The High School League's Constitution contains several eligibility requirements (excerpt attached). One section addresses seventh-, eighth-, and ninth-grade activities (Constitution, pp. A-30—A-33). The rules specifically state that "students below the seventh grade may not participate in interscholastic activities" (Constitution, p. A-30).

Chair Simpson moved that the interpretation stand as it is now. Ben Mitchell voted to let it stand. Phillip Bowers stated that he would like to see this type of issue go to the South Carolina High School League and not come to the Board.

There being no further discussion, the Chair called for the vote. The motion carried.

04. School Bus Driver's Certification Program (First Reading)

Donald Tudor, Director, Office of Transportation, Division of Innovation and Educational Services, presented this item. Mr. Tudor stated this item is being presented to request SBE approval of a rule to be included in the State Board of Education Rules of Governance that will establish a multilevel School Bus Driver's Certification program. This will create a program that will certify school bus drivers of publicly and privately owned school buses and provide a separate certification level for drivers of school buses used for regular route service and activity trips.

The Policy and Legislative Committee recommends that the SBE approve the request.

There being no further discussion, the Chair called for the vote. The motion carried.

05. Waiver Request of the Proviso 1A.42, SDE-EIA: Technical Assistance, General Appropriation Act for Fiscal Year 2008–09

Nancy Busbee, PhD, Director, Office of Federal and State Accountability, Division of Accountability, presented this item, along with a short PowerPoint. Dr. Busbee explained

that this is a waiver request of Proviso 1A.42, SDE-EIA: Technical Assistance, General Appropriation Act for Fiscal Year 2008–09.

The purpose of this waiver request is to allow schools in participating districts to submit 2008–09 technical assistance funding plans and the required update of the school renewal plan as defined in Proviso 1A.42, SDE-EIA: Technical Assistance, General Appropriation Act for fiscal year 2008–09 using a newly designed, combined federal and state school plan and online application process. The granting of this waiver would reduce the number of reporting requirements for schools while streamlining the overall application process.

Dr. Postlewait asked if there was a possibility to plan for the new assessments using the increased power of technology to add a fifth column beside the identified needs, the evidence of that need, the initiative or the intervention, and the scientific-based research to the results a year later. The fifth column would contain information on how many students increased their achievement as a result of this intervention and how significantly. This additional information will help us determine what works in South Carolina.

Diane Sumpter spoke in support of adding the column requested by Dr. Postlewait.

Dr. Rex commended the staff that worked on this item.

The Policy and Legislative Committee approved the Waiver Request of Proviso 1A.42. SDE-EIA; Technical Assistance, General Appropriation Act for Fiscal Year 2008–09 and recommended passage by the State Board.

There being no further discussion, the Chair called for the vote. The motion carried.

06. House and Senate Requests Regarding State Board of Education Regulations (if needed)

Shelly B. Kelly, Esquire, Deputy General Counsel, Office of General Counsel, stated that no requests had been received from the House and Senate regarding State Board of Education regulations.

X.	OTHER BUSINESS
-----------	-----------------------

Chair Simpson recognized Trip DuBard.

Mr. DuBard provided the Board with information on the Palmetto Horizon Foundation. A copy of a letter from Mr. DuBard giving additional information is attached to the minutes.

Chair Simpson recognized Diane Sumpter.

Diane Sumpter stated that on Thursday, March 13, 2008, Senator Matthews and others were holding a public hearing on a Joint Resolution to change the state's constitution to read "relating to the system of free public schools, so as to provide that the General Assembly shall provide for the maintenance and support of a system of free public schools and shall establish, organize, and support public institutions of learning that will provide a high quality education, allowing each student to reach his highest potential."

Ms. Sumpter asked the Board to give a support resolution for this legislation.

Chair Simpson asked if this needed to go before the Policy and Legislative Committee for approval first. Shelly Kelly, Esquire, stated that this would need to go before the Policy and Legislative Committee first or the Board could vote to suspend their rules. Chair Simpson said that it could go before the Policy and Legislative Committee at their meeting on Monday, March 20.

Rick Adkins requested more time to review the resolution.

Chair Simpson stated he would refer it to the Policy and Legislative meeting on Monday at 2:00 p.m.

Rick Adkins asked for further explanation from Ms. Sumpter.

Bonnie Disney asked if this would impact equitable funding. Dr. Rex responded that it may or may not. He felt that this group wanted the goal for public education to be specific in the constitution. Dr. Rex stated that he would have to defer to legal counsel as to whether or not this would have any impact or legal outcome,. He asked Shelly Kelly to respond.

Ms. Kelly stated that she didn't think this would affect the current lawsuit, because it was litigated on the current standards. Kelly stated that in her opinion the change would impact future lawsuits.

Mrs. Maguire stated that she felt using the telephone would be better than Elluminate for future meetings.

Chair Simpson addressed the issues of parents with special needs children who have been attending the Board meeting and speaking during the public comment period. He stated that with Dr. Rex's assistance, a task force would be set up to help bridge the gap between special needs parents and their requests for assistance. The date and time of the meeting would be determined. Chair Simpson stated that he did not feel comfortable with these parents coming to the meetings for public comment and the Board taking no action. The Board might not be able to solve the problem but needed to look toward a way to build a bridge between the two groups.

Dr. Rex said that the Board had a challenge in terms of communication with these parents. He stated that there were some things that the Department could do better, certainly some things the school districts could do better in this area. Dr. Rex predicted that the Board will be seeing more and more parents regarding this issue, and we have to be more innovative at the state level to get these parents to see us as the ally and not the enemy. We also need to be more responsive to the special needs that these children have. Dr. Rex stated that he would be glad to sit down with a group and see what could be done to address this issue.

Several Board members discussed the issues brought before the Board by the parents of special needs students.

Dr. Britt Blackwell addressed the issue of advertising on state school buses. He stated that he felt a little embarrassed that the state's legislative body has taken it upon themselves to address this issue instead of the State Board. Dr. Blackwell feels that it is in the Board's domain, especially since the school buses are operated by the state.

Phillip Bowers asked for clarification on the ELA standards started in 2002 and the ones that were brought before the Board last year. Kristin Maguire explained that a set of ELA standards were adopted in 2002. The cyclical review requires them to come back to be updated at least every seven years. A revised set of standards were brought to the State Board in the spring of 2007. The 2007 standards did not receive second-reading approval, and the SBE charged the SCDE staff with making additional revisions that resulted in the standards that received first reading today.

Mr. Bowers attended the Innovation and Educational Services Committee meeting on Tuesday. He stated that there seems to be a lot of friction between local school districts and the State Board on reporting. Mr. Bowers asked if the Innovation and Educational Services Committee could discuss ways to improve communication. Mrs. Maguire stated that she would look at a Web-based program to make reporting easier.

XI. ADJOURNMENT

There being no further business, the Board adjourned at 2:38 p.m.